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Convention on the Rights of Persons with Disabilities

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Matters related to the implementation of the Convention: round table 2

Inclusion and full participation of persons with disabilities in humanitarian action

Note by the Secretariat

The present document which was prepared in consultation with representatives of civil society and other relevant stakeholders so as to facilitate the round-table discussion on the theme "Inclusion and full participation of persons with disabilities in humanitarian action", transmits to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, at its tenth session, background information approved by the Bureau-elect of the Conference.

Overview

1. In the report of the Secretary-General for the World Humanitarian Summit, held in 2016, it was recognized that persons with disabilities are among the most marginalized in any crisis-affected community.[1] Persons with disabilities are over represented among those living in poverty,[2] while an estimated 6.7 million persons with disabilities are forcibly displaced as the result of persecution, conflict, violence and other human rights violations.[3] In some cases, the morbidity rates for persons

* CRPD/CSP/2017/1.

[1] A/70/709, para. 79.

[2] World Health Organization and World Bank, *World Report on Disability* (Geneva, 2011). Available from www.who.int/disabilities/world_report/2011/report.pdf.

[3] Women's Refugee Commission, "Refugees with Disabilities Fact Sheet" (2014) (www.womensrefugeecommission.org/disabilities/disabilities-fact-sheet).

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with disabilities in disasters was estimated to be four times higher than for those without disabilities.[4]

2. Armed conflicts and emergency situations increase the number of barriers faced by persons with disabilities on a larger scale. In crisis situations, persons with disabilities require the same assistance as all others affected, as well as specific requirements related to disability. Conflicts and natural disasters heighten the risks faced by persons with disabilities as they seek assistance, support and protection, and they impact access to and may lead to the collapse of essential services. Where services exist, inaccessible communication strategies often exclude persons with disabilities from identifying and utilizing them.[5] Scant data, poor identification and registration and lack of provision of reasonable accommodation compound the exclusion of persons with disabilities in crisis-needs assessment.[6]

3. Multiple and intersecting forms of discrimination exacerbate the situation of persons with disabilities in situations of risk and humanitarian emergencies. For example, children with disabilities face higher risk of abuse and neglect,[7] while women with disabilities are exposed to an increased risk of sexual violence during humanitarian crises.[8]

4. Future humanitarian action inclusive of the human rights of persons with disabilities must be guided by the Convention on the Rights of Persons with Disabilities of 2006.[9] International humanitarian law, codified under previously dominant understandings of disability, notably the medical model of disability, which focuses exclusively on the impairment of the person and reflects a paternalistic response to persons with disabilities,[10] has been superseded by the human rights-based approach to disability framed in the Convention.[11]

5. In the development of inclusive humanitarian action, the inclusion and participation of persons with disabilities and their representative organizations in the needs assessment, design, implementation, coordination, monitoring and evaluation of humanitarian and disaster preparedness and response programmes and policies is crucial. Drawing from the leadership, skills, experience and expertise of persons with disabilities and their active participation in decision-making and planning processes, including in appropriate coordination mechanisms, is an essential prerequisite to the successful reshaping of the humanitarian aid and emergency response.

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[4] Economic and Social Commission for Asia and the Pacific, "Overview of Natural Disasters and their Impacts in Asia and the Pacific 1970-2014", technical paper, 2015. Available from www.unescap.org/sites/default/files/Technical%20paper-Overview%20of%20natural%20hazards%20and%20their%20impacts_final.pdf.

[5] Handicap International, "Disability in humanitarian contexts: Views from affected people and field organisations" (2015). Available from www.un.org/disabilities/documents/WHS/Disability-in-humanitarian-contexts-HI.pdf.

[6] General Assembly resolution 69/283, annex II.

[7] *The State of the World's Children: Children with Disabilities* (United Nations publication, Sales No. E.13.XX.1).

[8] CRPD/C/GC/3.

[9] General Assembly resolution 61/106, annex I.

[10] See the Geneva Conventions of 12 August 1949 and the Protocols additional thereto of 1977, as well as: http://www.ohchr.org/EN/Issues/Disability/Pages/Article11.aspx.

[11] See Human Rights Council resolution 31/6.

Convention on the Rights of Persons with Disabilities, relevant frameworks and reports

6. The Convention on the Rights of Persons with Disabilities which is a legally binding human rights treaty with an explicit social development dimension, recognizes the human rights and fundamental freedoms of all persons with disabilities. The Convention's article on situations of risk and humanitarian emergencies (article 11) requires States parties to "take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters".

7. Article 32 (International cooperation), which recognizes the importance of international cooperation and its promotion for the realization of the purposes and objectives of the Convention, commits States parties to "undertake appropriate and effective measures ... between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities".

8. Additional articles of the Convention relevant to inclusive humanitarian action include article 5 (Equality and non-discrimination), article 9 (Accessibility) and article 18 (Liberty of movement and nationality). The Convention recognizes the importance of universal design, defined in article 2 as "the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design" which shall not exclude assistive devices for particular groups of persons with disabilities where it is needed, and establishes the obligation of States parties to undertake or promote research and development of universally designed goods, services, equipment and facilities, in line with article 2, as well as to promote universal design in the development of standards and guidelines.

9. Article 4 (3) of the Convention requires States parties to closely consult with and actively involve persons with disabilities through their representative organizations in the development and implementation of legislation and policies to implement the Convention and in other decision-making processes concerning issues relevant to persons with disabilities.

10. The 2030 Agenda for Sustainable Development[12] promotes the key principle that "no one will be left behind". The Sustainable Development Goals include a number of targets and indicators relevant to situations of risk and humanitarian emergencies, including target 1.5, "to build the resilience of the poor and those in vulnerable situations and reducing their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters"; target 10.2, "to empower and promote the social, economic and political inclusion of all"; indicator 11.b, " to develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels"; and target 13.1, to strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries".

[12] General Assembly resolution 70/1.

11. The Sendai Framework for Disaster Risk Reduction 2015-2030, includes the requirement that, in addition to certain guiding principles such as inclusive, accessible and non-discriminatory participation, persons with disabilities must be empowered to publicly lead and promote gender equitable and universally accessible response, recovery, rehabilitation and reconstruction approaches.[13] The importance of strengthening disaster-resilient public and private investments is included in the Framework, specifically through "building better from the start to withstand hazards through proper design and construction, including the use of the principles of universal design".[14] Also included in the Framework is the fact that disaster risk reduction requires a multi-hazard approach and inclusive risk-informed decision-making based on the open exchange and dissemination of disaggregated data.[15]

12. As of February 2017, the Charter on Inclusion of Persons with Disabilities in Humanitarian Action,[16] launched in May 2016 during the World Humanitarian Summit, has been endorsed by more than 140 stakeholders, including States, United Nations entities, organizations of persons with disabilities, and humanitarian and civil society organizations. The Charter includes five core commitments that the endorsers agree to uphold, in line with the Convention on the Rights of Persons with Disabilities, namely: non-discrimination; participation; inclusive programming; inclusive response and services; and cooperation and coordination.

13. Other relevant documents include Human Rights Council resolution 31/6 on the rights of persons with disabilities in situations of risk and humanitarian emergencies, the Office of the United Nations High Commissioner for Human Rights thematic study on the rights of persons with disabilities under article 11 of the Convention,[17] the guidance provided by the United Nations High Commissioner for Refugees on working with persons with disabilities in forced displacement,[18] and the United Nations Children's Fund (UNICEF) Child Protection Strategy.[19]

The way forward: inclusive humanitarian action for persons with disabilities

14. In November 2016, the Inter-Agency Standing Committee established a task team to develop system-wide guidance on the inclusion of persons with disabilities in humanitarian action. The task team includes organizations of persons with disabilities, humanitarian and civil society actors and United Nations agencies. With the support of Member States, the task team will work from January 2017 through December 2018 on the establishment of guidelines for inclusive humanitarian action for persons with disabilities, in line with the Convention on the Rights of Persons with Disabilities.

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[13] General Assembly resolution 69/283, annex II, para. 32.
[14] Ibid., para. 30 (c).
[15] Ibid., para. 19 (g).
[16] Available from http://humanitariandisabilitycharter.org/.
[17] Available from http://www.ohchr.org/EN/Issues/Disability/Pages/Article11.aspx.
[18] "Working with persons with disabilities in forced displacement" (2011) (www.unhcr.org/en-us/publications/manuals/4ec3c81c9/working-persons-disabilities-forced-displacement.html).
[19] E/ICEF/2008/5/Rev.1.

15. As an example of good practice at the national level, following the 2015 earthquake in Nepal, the non-governmental organization CBM International, through its Emergency Response Unit worked in partnership with the National Federation of the Disabled Nepal, an umbrella organization for disabled persons, to ensure that the earthquake-affected population, including persons with disabilities, received support, and contributed to the recovery process. Within five days of the earthquake, the organization had used a text-messaging campaign to reach approximately 180 members of disabled persons' organizations, and reporting that many people had suffered material damage and had difficulties accessing relief. As part of their response activities, the Emergency Response Unit and the National Federation set up "ageing and disability focal points" in three of the worst-affected districts to ensure that persons with disabilities and older people were included in mainstream relief and early recovery initiatives. The focal points operated as specialized hubs, identifying people and their requirements, as well as existing stakeholders and the services that they provide, in order to refer people to the appropriate service providers.[20]

Questions for consideration

16. The following questions are presented for consideration at the round-table discussion:

(a) How can the Sustainable Development Goals, the Sendai Framework for Disaster Risk Reduction and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action be leveraged to support the implementation of the Convention on the Rights of Persons with Disabilities?

(b) What innovative solutions exist to address and promote humanitarian action inclusive of persons with disabilities?

(c) How can States, United Nations agencies and humanitarian actors ensure close consultation and meaningful involvement of persons with disabilities and their representative organizations in the planning, decision-making, implementation and monitoring of national, regional and international humanitarian action inclusive of persons with disabilities?

(d) What role do local stakeholders play in the development and roll-out of inclusive humanitarian action and how can their expertise support capacity-building on humanitarian action for organizations of persons with disabilities in crisis-affected areas?

(e) How can States, United Nations agencies and disabled persons' organizations build the capacity of humanitarian actors to develop inclusive humanitarian action for persons with disabilities?

[20] CBM International Emergency Response Unit "One year report: Nepal earthquake 2015" (2016). Available from http://www.cbm.org/nepal-earthquake-one-year.